

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: J. Christopher Flaherty

Serial No:

10/681,688

Filing Date:

October 8, 2003

Title:

Flow Condition Sensor Assembly For Patient Infusion Device

Docket No:

59249-0159 (INSL-118CN)

#### **CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date:

11/18/03

### Mail Stop DD

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### TRANSMITTAL LETTER

Applicant encloses herewith for filing in connection with the above-referenced patent application the following documents:

- 1) Information Disclosure Statement;
- 2) Form 1449;
- Cited references (without U.S. Patents and Patent Application Publications); and 3)
- 4) Acknowledgment Postcard.

No additional costs are believed to be due in connection with the filing of this disclosure. However, please charge any necessary fees to our Deposit Account No. 50-1133.

Date: \_\_11-13,03

Respectfully submitted,

Jeffrey J. Miller

Registration Number 39,773

McDermott, Will & Emery

28 State Street

Boston, MA 02109

(617) 535-4421 (Tel.)

(617) 535-3800 (Fax)





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Sir:

#### INFORMATION DISCLOSURE STATEMENT

In accordance with 37 C.F.R. §1.56, §1.97 and §1.98, Applicants hereby submit an information disclosure statement with information cited on the attached PTO-1449 form. According to the United States Patent and Trademark Office OG Notices: 05 August 2003, copies of the U.S. patents and patent application publications are waived and are not submitted with this Statement.

This Statement is being filed within three months after the filing date of the application.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed per se as a representation that such publication is prior art. Moreover, the Applicant understands that the Examiner will make an independent evaluation of the cited publications.

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Serial No.: 10/681,688

Page - 2

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Subst. Form PTO-1449

# FORMATION DISCLOSURE CITATION N AN APPLICATION

(Use several sheets if necessary)

Docket Number (Optional) 59249-159 (INSL-118CN)	Application Number 10/681,688
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		4,151,845	5/1/79	Cl	emens				-	
		4,211,998	7/8/80	Jungi	nger et al.					
	-	4,231,019	10/28/80	Jungi	nger et al.					
		4,364,385	12/21/82	I	ossef					
		4,373,527	2/15/83	Fi	ischell					
	1	4,424,720	1/10/84	Buc	chianeri					
		4,435,173	3/6/84	Sip	oss et al					
		4,469,481	9/4/84	Ko	bayashi					
		4,475,901	10/9/84	Krae	gen et al.					
		4,498,843	2/12/85	Schn	eider et al					
		4,514,732	4/30/85	Ha	iyes Jr.					
		4,529,401	7/16/85	Les	lie et al.					
		4,559,033	12/17/85	Step	hen et al.					
		4,559,037	12/17/85	Frane	tzki et al.					
		4,560,979	12/24/85	Ro	sskopk					
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		EP0867196	13.03.98		E					
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Subst. Form PTO-1449 Docket Number (Optional) Application Number 10/681,688 59249-159 INFORMATION DISCLOSURE CITATION (INSL-118CN) IN AN APPLICATION Applicant Flaherty (Use several sheets if necessary) Group Art Unit Filing Date 10/8/2003 U. S. Patent Documents FILING DATE
IF APPROPRIATE EXAMINER INTIIAL DOCUMENT NUMBER DATE NAME CLASS SUBCLASS REF 1/7/86 4,562,751 Nason et al. 4,585,439 4/29/86 Michel 4,601,707 7/22/86 Albisser et al. 1/6/87 Hannula et al. 4,634,427 7/7/87 Nason et al. 4,678,408 8/4/87 4,684,368 Kenyon 4,685,903 8/11/87 Cable et al. 1/1/88 4,781,693 Martinez et al. 4,855,746 8/8/89 Stacy Cirelli et al. 4,886,499 12/12/89 11/13/90 Michel et al. 4,969,874 5,007,458 4/16/91 Marcus et al. 5,062,841 11/5/91 Siegel 1/5/93 Bartholomew et al. 5,176,662 5/25/93 Flaherty et al. 5,213,483 5,257,980 11/2/93 Van Antwerp et al. 10/19/93 Rondelet et al. 5,254,096 FOREIGN PATENT DOCUMENTS DOCUMENT Translation DATE COUNTRY CLASS SUBCLASS REF NUMBER YES WO98/01071 15.01.98 WIPO 20.11.86 WIPO WO86/06796 **WIPO** WO99/62576 09/12/99 OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) Web-Site Brochure dated 12/20/99. "The Animas R-1000 Insulin Pump". www.animascorp.com/pump f s.html Web-Site Brochure dated 12/20/99. "The Animas R-1000 Insulin Pump". www.animascorp.com/pump\_f\_f.html Web-Site Brochure dated 1/4/00. SOOIL-Homepage. "Portable Insulin Pump". www.sooil.com/intro2.htm **EXAMINER** DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through

citation if not in conformance and not considered. Include copy with next communication to applicant.

Subst. Form PTO-1449 (I-94)

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		5,244,463	9/14/93	Cordner, Jr. et al					
		5,242,406	9/7/93	Gross et al					
		5,643,213	7/1/97	McPhee					
		5,630,710	5/20/97	Tune et al.					
		5,545,152	8/13/96	Funderburk et al					
		5,533,389	7/9/96	Kamen et al.	_				
		5,505,709	4/9/96	Funderburk et al.					
		5,492,534	2/20/96	Athayde et al.			·		
		5,411,480	5/2/95	Kriesel					
		5,318,540	6/7/94	Athayde et al.					
		5,312,337	5/17/94	Flaherty et al.					
		405,524	2/9/99	Falk et al.					
		5,702,363	12/30/97	Flaherty					
		5,695,490	12/9/97	Flaherty et al.					
		5,665,065	9/9/97	Colman et al.					
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Supst. Form PTO-1449 Docket Number (Optional) Application Number 10/681,688 59249-159 ÍNFORMATION DISCLOSURE CITATION (INSL-118CN) IN AN APPLICATION Applicant Flaherty (Use several sheets if necessary) Filing Date **Group Art Unit** 10/8/2003 U. S. Patent Documents FILING DATE IF APPROPRIATE EXAMINER DOCUMENT DATE CLASS SUBCLASS REF NAME INTIIAL NUMBER 7/15/97 Feldmann et al. 5,647,853 5/26/98 Knudson et al. 5,755,682 6,071,292 6/6/00 Makower et al. **McPhee** 6,019,747 2/1/00 5,997,501 12/7/99 Gross et al. 9/28/99 5,957,890 Mann et al. 5,954,699 12/21/99 Jost et al. 5,954,058 12/21/99 Flaherty 6/15/99 Rake et al. 5,911,716 5,906,597 5/25/99 **McPhee** 5,886,647 3/23/99 Badger et al. Gross et al. 5,848,991 12/15/98 5,840,063 11/24/98 Flaherty 5,814,020 9/29/98 Gross 5,810,015 9/22/98 Flaherty FOREIGN PATENT DOCUMENTS DOCUMENT Translation DATE COUNTRY CLASS SUBCLASS NUMBER YES NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) **EXAMINER** DATE CONSIDERED EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy with next communication to applicant.

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INFORMATION DISCLO Docket Number (Optional) Application Number 10/681,688 59249-159 INFORMATION DISCLOSURE CITATION (INSL-118CN) IN AN APPLICATION Applicant Flaherty (Use several sheets if necessary) Group Art Unit Filing Date 10/8/2003 U. S. Patent Documents DOCUMENT NUMBER FILING DATE IF APPROPRIATE EXAMINER DATE CLASS SUBCLASS REF INTIIAL 9/1/98 5,800,405 **McPhee** 5,785,688 7/28/98 Joshi et al. 5,785,681 7/28/98 Indravudh Kriesel et al. 7/14/98 5,779,676 7/7/98 Kriesel et al. 5,776,103 5,748,827 5/5/98 Holl et al. 4/21/98 Lambrecht et al. 5,741,228 3/10/98 Altendorf et al. 5,726,751 5,726,404 3/10/98 **Brody** 1/6/98 5,704,520 Gross 12/1/98 Altschul 5,845,218 5/9/00 Altschul et al. 6,061,580 5,983,094 11/9/99 Altschul et al. 5,965,848 10/12/99 Altschul et al. 2/23/99 Altschul et al. 5,875,393 FOREIGN PATENT DOCUMENTS DOCUMENT Translation DATE COUNTRY CLASS SUBCLASS REF NUMBER YES NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) EXAMINER DATE CONSIDERED EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy with next communication to applicant.

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## INFORMATION DISCLOSURE CITATION IN AN APPLICATION

	Docket Number (Optional) 59249-159 (INSL-118CN) Applicant	Application Number 10/681,688
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		5,232,439	8/3/93	Campbell et al.				
		5,281,202	1/25/94	Weber et al.				
		5,342,313	8/30/94	Campbell et al.				
		5,514,096	5/7/96	Hiejima		,		
		5,575,770	11/19/96	Melsky et al.			•	
		5,665,070	9/9/97	McPhee				
		5,797,881	8/25/98	Gadot				
		5,891,097	4/6/99	Saito et al.		· · · · ·		
		5,897,530	4/27/99	Jackson				
		6,152,898	11/28/00	Olsen				
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		WO01/52727	17.01.01	WIPO				
		WO00/78210	15.06.00	WIPO				
		WO00/74752	30.05.00	WIPO				
		WO00/19887	20.09.99	WIPO				
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		4,559,037	12/17/85	Franetzki et al							
		4,734,092	3/29/88	Millerd			l				
		5,582,593	12/10/96	Hultman							
		5,747,350	5/5/98	Sattler							
		5,245,447	9/14/93	Stemmle							
		3,885,662	5/27/75	Schaefer							
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IF APPROPRIATE DATE CLASS SUBCLASS REF 10/5/99 Kriesel, et al. 5,961,492 3/4/03 Kriesel, et al. 6,527,744 6,174,300 1/16/01 Kriesel, et al. 11/5/85 Slavik, et al. 4,551,134 11/15/94 Beuchat, et al. 5,364,342 Kambara, et al. 4,507,115 3/26/85 5,178,609 1/12/93 Ishikawa 2/20/01 Heruth 6,190,359 6,375,638 4/23/02 Nason FOREIGN PATENT DOCUMENTS DOCUMENT SUBCLASS DATE COUNTRY CLASS REF NUMBER YES NO WO99/10040 3/4/99 **WIPO** WO02/26282 4/4/02 WIPO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) **EXAMINER** DATE CONSIDERED EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through

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		4,944,659	7/31/1990	Labbe, et al.					
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